

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
FRANCIS PUJOLS, JUAN PUJOLS, BENANCIA PUJOLS  
as Mother and Natural Guardian of M [REDACTED] P [REDACTED], an  
Infant Under the Age of Eighteen Years, ROOS PUJOLS,  
and ROSA MARIA PUJOLS, as Mother and  
Natural Guardian of R [REDACTED] P [REDACTED], an Infant Under  
the Age of Eighteen Years,

Plaintiffs,

-against-

THE CITY OF NEW YORK, P.O. KENNETH HINES,  
Shield No. 15214, Individually and in his Official Capacity,  
P.O. ANDRE SMITH, Shield No. 15753 Individually and in  
his Official Capacity, P.O. MICHAEL MACK, Shield  
No. 941063, Individually and in his Official Capacity,  
P.O. WILFRIDO BONILLA, Shield No. 23004, Individually  
and in his Official Capacity, and P.O.'s "JOHN and JANE DOE"  
#1-20, Individually and in their Official Capacities, (the name  
John and Jane Doe being fictitious, as the true names are  
presently unknown),

Defendants.  
-----X

**AMENDED  
COMPLAINT**

**11 CV 3328 (KBF)**

**JURY TRIAL DEMANDED**

Plaintiffs, FRANCIS PUJOLS, JUAN PUJOLS, BENANCIA PUJOLS as Mother and  
Natural Guardian of [REDACTED], an Infant Under the Age of Eighteen Years, ROOS  
PUJOLS, and ROSA MARIA PUJOLS as Mother and Natural Guardian of [REDACTED] [REDACTED]  
an Infant Under the Age of Eighteen Years, by their attorney, Jon L. Norinsberg, complaining of the  
defendants, respectfully allege as follows:

**PRELIMINARY STATEMENT**

1. Plaintiffs bring this action for compensatory damages, punitive damages and  
attorney's fees pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988 for violations of their civil rights,  
as said rights are secured by said statutes and the Constitutions of the State of New York and the

United States.

**JURISDICTION**

2. This action is brought pursuant to 42 U.S.C. § 1983 and 42 U.S.C. § 1988, and the First, Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution.

3. Jurisdiction is founded upon 28 U.S.C. §§ 1331, 1343 and 1367.

**VENUE**

4. Venue is properly laid in the Southern District of New York under 28 U.S.C. § 1391(b), in that this is the District in which the claim arose.

**JURY DEMAND**

5. Plaintiffs respectfully demand a trial by jury of all issues in this matter pursuant to Fed. R. Civ. P. 38(b).

**PARTIES**

6. Plaintiff FRANCIS PUJOLS is an Hispanic male, and at all relevant times a resident of the City and State of New York.

7. Plaintiff JUAN PUJOLS is an Hispanic male, and at all relevant times a resident of the City and State of New York.

8. Plaintiff [REDACTED] [REDACTED] is an Hispanic female, a citizen of the United States, and at all relevant times a resident of the City and State of New York.

9. Plaintiff BENANCIA PUJOLS, as Mother and Natural Guardian of [REDACTED] [REDACTED] is an Hispanic female, and at all relevant times a resident of the City and State of New York.

10. Plaintiff ROOS PUJOLS is an Hispanic female, and at all relevant times a resident of the City and State of New York.

11. Plaintiff [REDACTED] [REDACTED] is an Hispanic female, a citizen of the United States,

and at all relevant times a resident of the City and State of New York.

12. Plaintiff ROSA MARIA PUJOLS as Mother and Natural Guardian of [REDACTED] [REDACTED] is an Hispanic female, ant at all relevant times a resident of the City and State of New York.

13. Defendant, the City of New York, was and is a municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.

14. Defendant, the City of New York, maintains the New York City Police Department, a duly authorized public authority and/or police department, authorized to perform all functions of a police department as per the applicable sections of the New York State Criminal Procedure Law, acting under the direction and supervision of the aforementioned municipal corporation, the City of New York.

15. At all times hereinafter mentioned, the individually named defendants, P.O. KENNETH HINES, P.O. ANDRE SMITH, P.O. MICHAEL MACK, P.O. WILFRIDO BONILLA, and P.O.s "JOHN and JANE DOE" #1-20, were duly sworn police officers of said department and were acting under the supervision of said department and according to their official duties.

16. At all times hereinafter mentioned, the defendants, either personally or through their employees, were acting under color of state law and/or in compliance with the official rules, regulations, laws, statutes, customs, usages and/or practices of the State or City of New York.

17. Each and all of the acts of the defendants alleged herein were done by said defendants while acting within the scope of their employment by defendant City of New York.

18. Each and all of the acts of the defendants alleged herein were done by said defendants while acting in furtherance of their employment by defendant City of New York.

### **FACTS**

19. On January 16, 2011, at approximately 12:30 a.m., plaintiffs [REDACTED] [REDACTED] ROOS PUJOLS, and [REDACTED] [REDACTED] were lawfully attending a party inside of apartment 6E at 1363 Findlay Avenue, County of Bronx, in the City and State of New York.

20. At the aforesaid time and place, several other guests began fighting and plaintiffs [REDACTED] [REDACTED] ROOS PUJOLS, and [REDACTED] [REDACTED] immediately left the party and proceeded to the fifth floor of the building to wait for plaintiff FRANCIS PUJOLS to collect their coats.

21. Thereafter, members of the New York City Police Department descended upon plaintiffs [REDACTED] [REDACTED] ROOS PUJOLS, and [REDACTED] [REDACTED] and began viciously assaulting them.

### **Allegations of Roos Pujols**

22. Defendant police officers came up to plaintiff ROOS PUJOLS stating, “get up and turn around,” thereafter placing plaintiff in handcuffs.

23. Plaintiff ROOS PUJOLS questioned defendant police officers as to why she was being handcuffed, informing them that the fight was upstairs and that she did nothing wrong, to which defendant police officer yelled at her to “Shut up!”

24. Defendant police officers then ordered plaintiff ROOS PUJOLS to sit on the floor of the hallway despite the fact that plaintiff was wearing a dress and the floor was cold and wet.

25. After plaintiff ROOS PUJOLS objected to sitting on the cold and wet floor, defendant police officers grabbed plaintiff by her leg and viciously dropped her to the floor.

26. Defendant police officers then dragged plaintiff ROOS PUJOLS down the stairs, ignoring her pleas to put on her boots while shouting “You don’t need boots, you’re not a lady!”

27. Defendant police officers then forced plaintiff ROOS PUJOLS to walk barefoot on the snow-covered ground as they shouted racial and gender slurs at plaintiff and referred to her in derogatory terms.

28. Defendant police officers then pushed plaintiff ROOS PUJOLS into a police car and pepper-sprayed her in the face.

29. When plaintiff ROOS PUJOLS objected to this treatment, one of the defendant police officers punched plaintiff in the face while she was sitting in the police car.

30. Defendant police officers then took plaintiff ROOS PUJOLS to the 44<sup>th</sup> Precinct in the County of Bronx, City and State of New York.

31. At the 44<sup>th</sup> Precinct, defendant police officers ignored plaintiff ROOS PUJOLS' repeated requests to make a phone call, shouting at her "you're not a lady, you don't deserve it!"

32. Plaintiff ROOS PUJOLS informed defendant police officers that she was in a lot of pain and that she needed to be taken to a hospital.

33. Notwithstanding plaintiff ROOS PUJOLS' pleas, defendant police officers informed plaintiff that she should keep quiet about her pain, or else her paperwork and subsequent release would be delayed.

34. Defendant police officers then threatened to electroshock plaintiff ROOS PUJOLS with a taser device if she didn't stop crying.

35. Plaintiff ROOS PUJOLS was falsely imprisoned for approximately forty-four (44) hours, given a summons for disorderly conduct and released.

36. Thereafter, plaintiff ROOS PUJOLS sought medical treatment at North Central Bronx Hospital, where she was diagnosed with torn ligaments in her left knee.

37. As a result of the ruthless actions of members of the New York City Police Department, plaintiff ROOS PUJOLS sustained, *inter alia*, multiple bruises and contusions to her

arms, face, and left leg, swelling to the left side of her face, an intensely painful burning sensation in her face, torn ligaments in her left knee requiring future surgery, loss of sleep as well as severe emotional distress, mental trauma, anguish, shame, humiliation, indignity, and loss of liberty.

**Allegations of** [REDACTED] [REDACTED]

38. As plaintiff ROOS PUJOLS was being assaulted and battered by defendant police officers, plaintiff [REDACTED] [REDACTED] began to cry and attempted to hug her sister so the defendants would stop their inhumane assault.

39. One of the defendant police officers yelled at plaintiff [REDACTED] [REDACTED] “shut the fuck up, you stupid bitch!” and brutally slammed her to the floor, bending her legs behind her back and placed her in handcuffs.

40. Thereafter, defendant police officer repeatedly punched plaintiff [REDACTED] [REDACTED] in the face.

41. Defendant police officers then dragged plaintiff ROSALINA PUJOLS outside while shouting racial and gender slurs at plaintiff and shoved her into the police car.

42. As plaintiff [REDACTED] [REDACTED] sat crying inside the police car, defendant police officers pepper sprayed her in the face.

43. Defendant police officers took plaintiff [REDACTED] [REDACTED] to the 44<sup>th</sup> Precinct.

44. Plaintiff [REDACTED] [REDACTED] was falsely imprisoned for approximately seven (7) hours, given a summons for disorderly conduct and resisting arrest and thereafter released.

45. As a result of the ruthless actions of members of the New York City Police Department, plaintiff [REDACTED] [REDACTED] sustained, *inter alia*, multiple bruises and contusions to her arms, face, and head, a scar on the right side of her back, an intensely painful burning sensation in her face, severe and continuous headaches as well as severe emotional distress, mental trauma, anguish, shame, humiliation, indignity, and loss of liberty.

**Allegations of [REDACTED]**

46. Defendant police officers grabbed plaintiff [REDACTED] by her hands and shoved her towards a window.

47. Thereafter, defendant police officers banged plaintiff [REDACTED] face against the window.

48. Defendant police officers handcuffed plaintiff [REDACTED] and took her to the 44<sup>th</sup> Precinct.

49. At the 44<sup>th</sup> Precinct, defendant police officers referred to plaintiff [REDACTED] and the other plaintiffs as “Spics” while yelling, in substance “no one is going to listen to you because you are all a bunch of Spics,” or words to that effect.

50. Plaintiff [REDACTED] was falsely imprisoned for approximately forty-two (42) hours, given a summons for disorderly conduct and resisting arrest and thereafter released.

51. As a result of the ruthless actions of members of the New York City Police Department, plaintiff [REDACTED] sustained, *inter alia*, multiple bruises and contusions to her arms, face, and head, as well as severe emotional distress, mental trauma, anguish, shame, humiliation, indignity, and loss of liberty.

**Allegations of Francis Pujols**

52. At the aforesaid time and place, plaintiff FRANCIS PUJOLS was upstairs at the apartment where the party took place, collecting the coats of plaintiffs’ ROOS, [REDACTED] and [REDACTED]

53. As plaintiff FRANCIS PUJOLS came down to the fifth floor, he witnessed defendant police officers’ brutal assault on plaintiffs ROOS, [REDACTED] and [REDACTED]

54. Thereafter, plaintiff FRANCIS PUJOLS asked one of the defendant police officers for their badge number.

55. In response, defendant police officers forcibly grabbed plaintiff FRANCIS PUJOLS and banged him against the wall and placed him in handcuffs.

56. As a result of being handcuffed too tightly, plaintiff FRANCIS PUJOLS experienced numbness in his hands that lasted approximately three weeks.

57. Plaintiff FRANCIS PUJOLS was falsely imprisoned for approximately forty-two (42) hours, given a summons for disorderly conduct and resisting arrest and thereafter released.

58. As a result of the ruthless actions of members of the New York City Police Department, plaintiff FRANCIS PUJOLS sustained, *inter alia*, bruises to his hands as well as severe emotional distress, mental trauma, anguish, shame, humiliation, indignity, and loss of liberty.

**Allegations of Juan Pujols**

59. On January 16, 2011, at approximately 1:30 a.m., plaintiff JUAN PUJOLS came to the 44<sup>th</sup> Precinct with his mother, Rosa Maria Pujols, to inquire about the status of plaintiffs ROOS, [REDACTED] and FRANCIS PUJOLS.

60. As soon as plaintiff JUAN PUJOLS asked a desk sergeant about the status of his family members, several defendant police officers grabbed plaintiff and his mother and physically pushed them out of the precinct.

61. Thereafter, as defendant police officers pushed plaintiff JUAN PUJOLS and his mother out of the precinct, plaintiff stated to defendant police officers that they had no right to place their hands on his mother because she did nothing wrong.

62. Thereafter, as plaintiff JUAN PUJOLS attempted to light up a cigarette outside the 44<sup>th</sup> precinct, a defendant police officer punched plaintiff in the face, causing plaintiff to fall to the ground and lose consciousness.

63. Defendant police officers then repeatedly kicked plaintiff JUAN PUJOLS in the ribs, face and head.

64. Thereafter, defendant police officers handcuffed plaintiff JUAN PUJOLS and brought



him inside the precinct.

65. While inside the precinct, defendant police officers threatened to assault plaintiff JUAN PUJOLS again and pepper sprayed plaintiff while he was in his cell.

66. As a result of being handcuffed too tightly, plaintiff JUAN PUJOLS sustained injuries to his wrists.

67. Plaintiff JUAN PUJOLS was falsely imprisoned for approximately forty-one (41) hours, given a summons for disorderly conduct and thereafter released.

68. While plaintiffs ROOS, [REDACTED] [REDACTED] FRANCIS, and JUAN PUJOLS were inside the 44<sup>th</sup> precinct, defendant police officers put on sweaters in order to cover up their names and badge numbers.

69. As a result of the ruthless actions of members of the New York City Police Department, plaintiff JUAN PUJOLS sustained, *inter alia*, multiple bruises and contusions to his face, head, arms, and ribs, an intensely painful burning sensation in his face, as well as severe emotional distress, mental trauma, anguish, shame, humiliation, indignity, and loss of liberty.

**FIRST CLAIM FOR RELIEF**  
**DEPRIVATION OF FEDERAL CIVIL RIGHTS UNDER 42 U.S.C. § 1983**

70. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "69" with the same force and effect as if fully set forth herein.

71. All of the aforementioned acts of defendants, their agents, servants and employees were carried out under the color of law.

72. All of the aforementioned acts deprived plaintiffs of their rights, privileges and immunities guaranteed to citizens of the United States by the First, Fourth, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States of America, and in violation of 42 U.S.C. §1983.

73. The acts complained of were carried out by the aforementioned individual defendants

in their capacities as police officers, with all the actual and/or apparent authority attendant thereto.

74. The acts complained of were carried out by the aforementioned individual defendants in their capacities as police officers, pursuant to the customs, usages, practices, procedures, and rules of the City of New York and the New York City Police Department, all under the supervision of ranking officers of said department.

75. Defendants, collectively and individually, while acting under color of state law, engaged in conduct which constituted a custom, usage, practice, procedure or rule of his/her respective municipality/authority, which is forbidden by the Constitution of the United States.

**SECOND CLAIM FOR RELIEF**  
**FALSE ARREST UNDER 42 U.S.C. § 1983**

76. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "75" with the same force and effect as if fully set forth herein.

77. As a result of the aforesaid conduct by defendants, plaintiffs were subjected to an illegal, improper and false arrest by the defendants and taken into custody and caused to be falsely imprisoned, detained, confined, incarcerated and prosecuted by the defendants in criminal proceedings, without any probable cause, privilege or consent.

78. As a result of the foregoing, plaintiffs FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] ROOS PUJOLS and [REDACTED] sustained, *inter alia*, bodily injuries, mental trauma, anguish, shock, fright, apprehension, as well as severe emotional distress, shame, humiliation, indignity, and loss of liberty.

**THIRD CLAIM FOR RELIEF**  
**EXCESSIVE FORCE UNDER 42 U.S.C. § 1983**

79. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "78" with the same force and effect as if fully set forth herein.

80. The level of force employed by defendants was objectively unreasonable and in

violation of the constitutional rights of plaintiffs herein.

81. As a result of the foregoing, plaintiffs FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] [REDACTED] ROOS PUJOLS and [REDACTED] [REDACTED] sustained, *inter alia*, bodily injuries, mental trauma, anguish, shock, fright, apprehension, as well as severe emotional distress, shame, humiliation, indignity, and loss of liberty.

**FOURTH CLAIM FOR RELIEF**  
**DENIAL OF CONSTITUTIONAL RIGHT TO FAIR TRIAL UNDER 42 U.S.C. § 1983**

82. Plaintiffs repeat, reiterates and realleges each and every allegation contained in paragraphs "1" through "78" as if the same were more fully set forth at length herein.

83. Defendant police officers created false evidence against plaintiffs FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] [REDACTED] ROOS PUJOLS and [REDACTED] [REDACTED]

84. Defendant police officers forwarded false evidence and false information to prosecutors in the Bronx County District Attorney's Office.

85. Defendant police officers misled the grand jury, the judge and prosecutors by creating false evidence against plaintiffs FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] [REDACTED] ROOS PUJOLS and [REDACTED] [REDACTED] and thereafter providing false testimony throughout the criminal proceedings.

86. In creating false evidence against plaintiffs FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] [REDACTED] ROOS PUJOLS and [REDACTED] [REDACTED] in forwarding false evidence and information to prosecutors, and in providing false and misleading testimony, defendants violated plaintiffs' constitutional right to a fair trial under the Due Process Clause of the Fifth and Fourteenth Amendments of the United States Constitution.

**FIFTH CLAIM FOR RELIEF**  
**MUNICIPAL LIABILITY**

87. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "86" with the same force and effect as fully set forth herein.

88. Defendants, collectively and individually, while acting under color of state law, engaged in conduct that constituted a custom, usage, practice, procedure or rule of the respective municipality/authority, which is forbidden by the Constitution of the United States.

89. The aforementioned customs, policies, usages, practices, procedures and rules of the City of New York and the New York City Police Department included, but were not limited to, a) detaining individuals without reasonable suspicion, b) arresting individuals without probable cause, and c) utilizing excessive force that is not reasonable under the circumstances.

90. The foregoing customs, policies, usages, practices, procedures and rules of the City of New York and the New York City Police Department constituted deliberate indifference to the safety, well-being and constitutional rights of plaintiffs.

91. The foregoing customs, policies, usages, practices, procedures and rules of the City of New York and the New York City Police Department were the direct and proximate cause of the constitutional violations suffered by plaintiffs as alleged herein.

92. The foregoing customs, policies, usages, practices, procedures and rules of the City of New York and the New York City Police Department were the moving force behind the constitutional violations suffered by plaintiffs as alleged herein.

93. As a result of the foregoing customs, policies, usages, practices, procedures and rules of the City of New York and the New York City Police Department, plaintiffs were unlawfully arrested and detained, and subjected to excessive force.

94. Defendants, collectively and individually, while acting under color of state law, were directly and actively involved in violating plaintiffs' constitutional rights.

95. The acts complained of deprived plaintiffs of their rights:

- A. Not to be deprived of liberty without due process of law;
- B. To be free from seizure and arrest not based upon probable cause;
- C. Not to have excessive force imposed upon them; and
- D. To receive equal protection under the law.

**PENDANT STATE CLAIMS UNDER NEW YORK LAW**

96. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "95" with the same force and effect as fully set forth herein.

97. On or about February 22, 2011, and within (90) days after the claim herein accrued, plaintiffs duly served upon, presented to and filed with defendant THE CITY OF NEW YORK, a Notice of Claim setting forth all facts and information required under the General Municipal Law § 50 (e).

98. Defendant THE CITY OF NEW YORK has wholly neglected or refused to make an adjustment or payment thereof and more than thirty (30) days have elapsed since the presentation of such claim as aforesaid.

99. Defendant THE CITY OF NEW YORK has demanded a hearing pursuant to General Municipal Law § 50-h for plaintiffs ROOS PUJOLS and FRANCIS PUJOLS, and this hearing was held on May 5, 2011.

100. Defendant THE CITY OF NEW YORK has not yet demanded a hearing pursuant to General Municipal Law § 50-h for plaintiffs JUAN PUJOLS, [REDACTED] [REDACTED] and [REDACTED] [REDACTED] but it is anticipated that said hearings will be held in the near future.

101. This action was commenced within one (1) year and ninety (90) days after the cause of action herein accrued.

102. Plaintiffs have complied with all conditions precedent to maintaining the instant action.

103. This action falls within one or more of the exceptions as outlined in C.P.L.R. § 1602.

**FIRST CLAIM FOR RELIEF**  
**UNDER NEW YORK STATE LAW: ASSAULT**

104. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "103" with the same force and effect as fully set forth herein.

105. Defendant police officers aforementioned actions placed plaintiffs FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] [REDACTED] ROOS PUJOLS and [REDACTED] [REDACTED] in apprehension of imminent harmful and offensive bodily contact.

106. As a result of the defendant police officers' conduct, plaintiffs FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] [REDACTED] ROOS PUJOLS and [REDACTED] [REDACTED] sustained, *inter alia*, bodily injuries, mental trauma, anguish, shock, fright, apprehension, as well as severe emotional distress, shame, humiliation, indignity, and loss of liberty.

**SECOND CLAIM FOR RELIEF**  
**UNDER NEW YORK STATE LAW: BATTERY**

107. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "106" with the same force and effect as fully set forth herein.

108. Defendant police officers touched plaintiffs FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] [REDACTED] ROOS PUJOLS and [REDACTED] [REDACTED] in a harmful and offensive manner.

109. Defendant police officers did so without privilege or consent from plaintiffs.

110. As a result of the defendant police officers' conduct, plaintiffs FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] [REDACTED] ROOS PUJOLS and [REDACTED] [REDACTED]

sustained, *inter alia*, bodily injuries, mental trauma, anguish, shock, fright, apprehension, as well as severe emotional distress, shame, humiliation, indignity, and loss of liberty.

**THIRD CLAIM FOR RELIEF**  
**UNDER NEW YORK STATE LAW: FALSE ARREST**

111. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "110" with the same force and effect as fully set forth herein.

112. As a result of the aforesaid conduct by defendant police officers, plaintiffs FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] [REDACTED] ROOS PUJOLS and [REDACTED] [REDACTED] were subjected to an illegal, improper and false arrest by the defendant police officers and taken into custody and caused to be falsely imprisoned, detained, confined, incarcerated and prosecuted by the defendant police officers in criminal proceedings.

113. The aforesaid actions by defendant police officers constituted a deprivation of the plaintiffs' rights.

**FOURTH CLAIM FOR RELIEF**  
**UNDER NEW YORK STATE LAW: FALSE IMPRISONMENT**

114. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "113" with the same force and effect as fully set forth herein.

115. As a result of the foregoing, plaintiffs FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] [REDACTED] ROOS PUJOLS and [REDACTED] [REDACTED] were falsely imprisoned, their liberty was restricted for an extended period of time, were put in fear for their safety, were humiliated and subjected to handcuffing and other physical restraints.

116. Plaintiffs FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] [REDACTED] ROOS PUJOLS and [REDACTED] [REDACTED] were conscious of said confinement and did not consent to same.

117. The confinement of plaintiffs' FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] [REDACTED] ROOS PUJOLS and [REDACTED] [REDACTED] was without probable cause and was not

otherwise privileged.

118. As a result of the aforesaid conduct by defendant police officers, plaintiffs FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] [REDACTED] ROOS PUJOLS and [REDACTED] [REDACTED] were subjected to an illegal, improper and false arrest by the defendant police officers and taken into custody and caused to be falsely imprisoned, detained, confined, incarcerated and prosecuted by the defendant police officers in criminal proceedings.

**FIFTH CLAIM FOR RELIEF UNDER NEW YORK STATE LAW**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

119. Plaintiffs repeat, reiterate and reallege each and every allegation contained in paragraphs numbered "1" through "118" with the same force and effect as fully set forth herein.

120. The aforementioned conduct was extreme and outrageous, and exceeded all reasonable bounds of decency.

121. The aforementioned conduct was committed by defendants while acting within the scope of their employment by defendant THE CITY OF NEW YORK.

122. The aforementioned conduct was committed by defendants while acting in furtherance of their employment by defendant THE CITY OF NEW YORK.

123. The aforementioned conduct was intentional and done for the sole purpose of causing severe emotional distress to plaintiffs FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] [REDACTED] ROOS PUJOLS and [REDACTED] [REDACTED]

124. As a result of the defendant police officers' conduct, plaintiffs FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] [REDACTED] ROOS PUJOLS and [REDACTED] [REDACTED] sustained, *inter alia*, bodily injuries, mental trauma, anguish, shock, fright, apprehension, as well as severe emotional distress, shame, humiliation, indignity, and loss of liberty.

**WHEREFORE**, plaintiffs FRANCIS PUJOLS, JUAN PUJOLS, [REDACTED] [REDACTED] ROOS PUJOLS and [REDACTED] [REDACTED] demand judgment in the sum of two million dollars



(\$2,000,000.00) in compensatory damages each, two million dollars (\$2,000,000.00) in punitive damages each, plus attorney's fees, costs, and disbursements of this action.

DATED: March 5, 2012  
New York, New York

\_\_\_\_\_/S/\_\_\_\_\_  
JON L. NORINSBERG  
Attorney for Plaintiff  
225 Broadway, Suite 2700  
New York, N.Y. 10007  
(212) 791-5396